IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2116 OF 2005

Shri. Mahesh Kumar Gupta & Ors ...Petitioners

Versus

M/s. Tata Chemicals Ltd. & Anr ...Respondents

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Mr. Milan A. Desai, Advocate for Petitioners

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 8TH SEPTEMBER, 2005

P. C.:-

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners have prayed for quashing of process issued against them in Criminal Case No. 1577/SS/2005 which is pending in the Court of learned Metropolitan Magistrate, 10th Court, Andheri, Mumbai. In the said case, process has been issued against the petitioners under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in

Criminal Application No.550 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court. The learned advocate for the petitioners states that the necessary revision would be preferred within a period of five weeks from today. I am informed that the date before the trial court is on 13.9.2005. In view of this statement, the trial Court shall not proceed with the trial on 13.9.2005 and for a period of four weeks thereafter.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petition is disposed of.

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